

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELANO THOMAS KIPP,

Defendant.

CR-14-04-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 8, 2021. (Doc. 86.) Delano Kipp (Kipp) filed an objection on January 22, 2021. (Doc. 90.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on January 5, 2021. (Doc. 82.) The United States accused Kipp of violating his conditions of supervised release by 1) committing another crime; and 2) by using alcohol. (Doc. 78.) At the revocation hearing, Kipp admitted to violating the conditions of his supervised

release consuming alcohol. The government satisfied its burden of proof with respect to alleged violation 1. Judge Johnston found the violation Kipp admitted is serious and warrants revocation of Kipp's supervised release. (Doc. 82.)

Kipp now opposes Judge Johnston's Findings and Recommendations, objecting to the 7 months sentence that Judge Johnston recommended. (Doc. 90.)

The Court conducted a revocation hearing on February 10, 2021. (Doc. 92.) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations in part. Kipp's violation of his conditions represent a serious breach of the Court's trust. This violation proves serious. Judge Johnston has recommended that the Court revoke Kipp's supervised release and commit Kipp to the custody of the Bureau of Prisons for 7 months. (Doc. 86 at 4.) Judge Johnston further has recommended a term of 13 months of supervised release follow his term of custody, with the first 60 days of supervised release spent in an inpatient drug treatment center such as Alternatives in Billings, Montana. Judge Johnston also recommended that Kipp should serve the next 180 days in a residential re-entry center as directed by his probation officer. (*Id.*)

Accordingly,

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 86) are DENIED IN PART and ADOPTED IN PART.

IT IS FURTHER ORDERED that Defendant DELANO THOMAS KIPP be sentenced to custody of the Bureau of Prisons for a term of 6 months, followed by 14 months supervised release. With the first 60 days of supervised release in an inpatient drug treatment center such as Alternatives in Billings, Montana. Kipp should serve the next 180 days in a residential re-entry center as directed by his probation officer.

DATED this 10th day of February, 2021.



Brian Morris, Chief District Judge
United States District Court